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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/359,144

07/21/1999

ROBERT C. KNAPP

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04/21/2004

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EXAMINER

TONG, NINA C

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/359,144

**Applicant(s)**

KNAPP ET AL.

**Examiner**

Nina Tong

**Art Unit**

2632

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 47-61 is/are allowed.  
6) ☒ Claim(s) 1, 10, 14, 15, 17, 21-24, 26-46 and 62-73 is/are rejected.  
7) ☒ Claim(s) 2-9, 11-13, 16, 18-20 and 25 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. The Examiner has withdrawn the restriction rejection after further consideration.

***Claim Objections***

2. Claims 31A,B, are objected to because of the following informalities:

In the Specification (claims section), page 31, the first two claims: 31A, 31B have the improper claim number. Please cancel both claims and rewrite them as claims 74 and 75.

Please also make sure claim 74 depends on claim 26; claim 75 depends on claim 74.

Please change all "antennae" to --antennas--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. Claims 26-46 (including 31A,31B), 62-68, 69-73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 26 line 2, please change "first first-directional" to --first second-directional--.

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On lines 10,11, the phrase "one of said first and second forward and rearward-directed antennae" lacks antecedent basis.

Regarding claims 62,65, line 1, please change "claim 51" to --claim 52--, respectively.

Regarding claim 69 line 2, please change "first first-directional" to --first second-directional--.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,10,14,15,17,21-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuntman et al. (6,313,783).

Regarding claims 1,10,14,17,21, Kuntman et al. discloses a transponder having directional antennas on an aircraft (considered as the vehicle), which comprises the claimed first and second directional antenna (104A,B) are inherently included the first and second directional signal detection fields, respectively (since the applicant did not claim the first and second detection fields are different, so both field could be the same) for transmitting and receiving signal to and from a remote location/device outside of the aircraft/vehicle, the claimed switching

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network 110, the claimed receiver (112,114), the claimed controller (122), the claimed signal generator and the transmitter (is inherently included in the numerals 116,118).

Kuntman et al. Fails to specify the claimed antenna located on an exterior mirror of a vehicle.

As long as the system is function the same, having the antenna system mounted on any location would not constitute an inventive step but an obvious design choice. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the antenna system of Kuntman et al. mounted on any location as desired, such as the external mirror of the vehicle, in Kuntman et al. for performing the same function for obvious design choice.

Regarding claims 15,22-24, as long as the system is function the same, transmitting and/or receiving various signals to and from any device/location would not constitute an inventive step but an obvious design choice. It would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit/receive signals to/from any device/location, such as the claimed emergency vehicle, vehicle access gate, telephone signals, GPS signals, in Kuntman et al. for performing the same function as desired.

***Allowable Subject Matter***

6. Claims 47-51,52-61 are allowed.

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7. Claims 2-9,11,12,13,16,18,19,20,25, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 26,69 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

9. Claims 27-46,31A,31B,62-68,70-73 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Talty disclosed a directional antenna for vehicle entry system.

Ryan et al. Disclosed a system for direction finding.

Jacomb-Hood Et al. Disclosed a transceiver and antenna system for communication with remote station.

Masudaya disclosed a keyless entry apparatus.

Lindenmeyer et al. Disclosed radio system for remote control operation in a stationary vehicle.

Knapp disclosed a radio frequency control system.

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Euscher et al. Disclosed a system for antenna selection control in a radio receiver.

Flaxi disclosed an identification system reader with multiplexed antennas.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nina Tong whose telephone number is 703-305-4831. The examiner can normally be reached on Mon-Wed. (9:30 -8:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 703-308-6730. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nina Tong  
April 17, 2004

Nina Tong  
Primary Examiner  
Art Unit 2632

